

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

BROWN MEDICAL INDUSTRIES INC,)
)
Plaintiff/Counter)
Defendant,)
)
vs.)
)
XERO PRODUCTS LLC,)
)
Defendant/Counter)
Claimant.)

CASE NO. C06-4047 DEO

JUDGMENT IN A CIVIL CASE

This matter came before the Court and

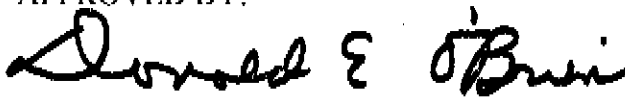
IT IS ORDERED AND ADJUDGED,

Judgment is entered in accordance with the attached Order and Consent Decree.

DATED: March 13, 2007

Pridgen J. Watkins
Clerk
s/src
(By) Deputy Clerk

APPROVED BY:



DONALD E. O'BRIEN, Senior Judge of the
United States District Court
Northern District of Iowa

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

BROWN MEDICAL INDUSTRIES, INC.,

Plaintiff,

vs.

XERO PRODUCTS, LLC,

Defendant.

Civil Action No. 5:06-cv-04047
(DEO/PAZ)

ORDER AND CONSENT DECREE


1. This Court has jurisdiction over the parties and subject matter of this case.
2. Commencing with entry of this Order and Consent Decree, Xero Products, L.L.C. is enjoined from the use of "Stay Dry" alone, for or in reference to its cast protector products; from use of Brown Medical Industries, Inc.'s trademark slogan "Stay Dry While Getting Wet;" or from use of "Get Wet ... Stay Dry" in any combination of those words in a slogan for its cast protection system(s), product packaging, product flyers, or product advertisements.
3. Notwithstanding the foregoing, Xero Products may use the name and trademark "Stay Dry Pro Pump."
4. Commencing with entry of this Order and Consent Decree, Brown Medical Industries, Inc. is enjoined from seeking to petition to cancel Xero's mark, "Stay Dry Pro Pump," Serial No. 78/699,575.

5. This Court retains exclusive jurisdiction of this matter to enforce this Order and Consent Decree.

6. Each party shall bear its own costs and attorneys' fees.

7. All other claims by Plaintiff and Defendant are dismissed with prejudice.

DATED: March 13, 2007.

A handwritten signature in black ink, reading "Donald E. O'Brien". The signature is written in a cursive, flowing style. The first name "Donald" is written with a large, prominent "D". The middle initial "E" is smaller and positioned between the first and last names. The last name "O'Brien" is written with a large, prominent "O" and a clear "B". The signature is positioned above a horizontal line.

JUDGE DONALD E. O'BRIEN
UNITED STATES DISTRICT COURT JUDGE